

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

TAIJAH JACKSON,

Plaintiff,

v.

CLARK COUNTY DETENTION CENTER,  
*et al.*,

Defendants.

Case No. 2:23-cv-01584-MMD-EJY

ORDER

**I. SUMMARY**

Plaintiff Taijah Jackson brings this civil-rights action under 42 U.S.C. § 1983 to redress constitutional violations that he claims he suffered while incarcerated or detained at Clark County Detention Center. (ECF No. 1-1.) On October 23, 2023, this Court ordered Jackson to either pay the full \$402 filing fee or file a fully complete application to proceed *in forma pauperis* (“IFP”) by December 22, 2023. (ECF No. 3.) Jackson timely filed an IFP application in response, but it was incomplete. (ECF No. 4.) So the Court considered alternatives to dismissal and, on January 23, 2024, ordered Jackson to either pay the required filing fee or file a new fully complete IFP application by March 19, 2024. (ECF No. 7.)

The Court warned Jackson that the action could be dismissed if he failed to file a fully complete application to proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action by that deadline. (*Id.* at 2.) That deadline expired and Jackson did not file a fully complete application to proceed *in forma pauperis*, pay the full \$402 filing fee, or otherwise respond. And the Court’s mail to Jackson has been returned as undeliverable. (ECF No. 8.)

## II. DISCUSSION

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a party’s failure to obey a court order or comply with local rules. See *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order). In determining whether to dismiss an action on one of these grounds, the Court must consider: (1) the public’s interest in expeditious resolution of litigation; (2) the Court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives. See *In re Phenylpropanolamine Prod. Liab. Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting *Malone*, 833 F.2d at 130).

The first two factors, the public’s interest in expeditiously resolving this litigation and the Court’s interest in managing its docket, weigh in favor of dismissal of Jackson’s claims. The third factor, risk of prejudice to defendants, also weighs in favor of dismissal because a presumption of injury arises from the occurrence of unreasonable delay in filing a pleading ordered by the court or prosecuting an action. See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor—the public policy favoring disposition of cases on their merits—is greatly outweighed by the factors favoring dismissal.

The fifth factor requires the Court to consider whether less drastic alternatives can be used to correct the party’s failure that brought about the Court’s need to consider dismissal. See *Yourish v. Cal. Amplifier*, 191 F.3d 983, 992 (9th Cir. 1999) (explaining that considering less drastic alternatives *before* the party has disobeyed a court order does not satisfy this factor); accord *Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th Cir. 2002) (explaining that “the persuasive force of” earlier Ninth Circuit cases that

1 “implicitly accepted pursuit of less drastic alternatives prior to disobedience of the court’s  
2 order as satisfying this element[.]” *i.e.*, like the “initial granting of leave to amend coupled  
3 with the warning of dismissal for failure to comply[.]” have been “eroded” by *Yourish*).  
4 Courts “need not exhaust every sanction short of dismissal before finally dismissing a  
5 case, but must explore possible and meaningful alternatives.” *Henderson v. Duncan*, 779  
6 F.2d 1421, 1424 (9th Cir. 1986). Because this action cannot realistically proceed until and  
7 unless Jackson either files a fully complete application to proceed *in forma pauperis* or  
8 pays the \$402 filing fee for a civil action, the only alternative is to enter a third order setting  
9 another deadline. But the reality of repeating an ignored order is that it often only delays  
10 the inevitable and squanders the Court’s finite resources. And because Jackson has not  
11 filed his updated address with the Court, the chance a third order would even reach him  
12 is low. (See ECF No. 8.) Setting another deadline is not a meaningful alternative given  
13 these circumstances. So the fifth factor favors dismissal.


14 Having thoroughly considered these dismissal factors, the Court finds that they  
15 weigh in favor of dismissal.

### 16 **III. CONCLUSION**

17 It is therefore ordered that this action is dismissed without prejudice based on  
18 Plaintiff Taijah Jackson’s failure to file a fully complete application to proceed *in forma*  
19 *pauperis* or pay the full \$402 filing fee in compliance with this Court’s October 23, 2023  
20 and January 23, 2024 orders.

21 The Clerk of Court is directed to enter judgment accordingly and close this case.  
22 No other documents may be filed in this now-closed case. If Jackson wishes to pursue  
23 his claims, he must file a complaint in a new case and either pay the filing fee or file a  
24 complete application to proceed *in forma pauperis*.

25 DATED THIS 22<sup>nd</sup> Day of April 2024.

26   
27 \_\_\_\_\_  
28 MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE